



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR.JUSTICE P.D.AUDI KESAVALU

WRIT APPEAL NO.1646 OF 2014
AND
M.P.NO.1 OF 2014

1. The State of Tamil Nadu
Represented by its Secretary Education Department,
Fort St. George, Chennai - 9.
2. The Director of School Education,
Chennai - 6.
3. The District Elementary Educational Officer,
Cuddalore.

...Appellants/Respondents

Vs.

R.Thayalan

...Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 26.06.2013 made in W.P.No.14734 of 2013.

Prayer in W.P.No.14734 of 2013:-

Petition filed under Article 226 of the Constitution of India for issuance of writ in the nature of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd respondent impugned proceeding dated 12.4.2013 in Na.Ka.No.7399/A4/2012 and quash the same thereby directing the 2nd respondent to extend the benefits of the order passed in O.A.Nos. 68/1997 and 177/97 dated 12.7.2002 confirmed by this Honourable Court in W.P. No. 29645 of 2003 as per G.O.Ms.No.210 dated 14.8.2009.



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For Appellants : Mrs.S.Mythreye Chandru
Special Government Pleader
(School Education)

For Respondent : Ms.K.Bhuvaneswari
for Mr.A.R.Nixon

J U D G M E N T
(Delivered by M. DURAISWAMY, J.)

Challenging the order passed in W.P.No.14734 of 2013, the respondents in the writ petition have filed the above Writ Appeal.

2.The respondent filed the writ petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 3rd appellant, dated 12.04.2013, and quash the same and consequently to direct the 2nd appellant to extend the benefits of the order passed in O.A.Nos.68 of 1997 and 177 of 1997, dated 12.07.2002, confirmed by this Court in W.P.No.29645 of 2003, as per G.O.Ms.No.210, dated 14.08.2009.

3.The learned Single Judge, by order dated 26.06.2013, disposed of the writ petition by directing the 1st respondent therein to consider the claim of the petitioner to extend the benefits to him as given in G.O.Ms.No.210, School Education Department, dated 14.08.2009, in the light of the order dated 21.02.2008 in W.P.Nos.29644 and 29645 of 2003, and in the light of G.O.Ms.No.146, School Education Department, dated 19.06.2012.

4.When the Writ Appeal is taken up for hearing, Mrs.S.Mythreye Chandru, learned Special Government Pleader (School Education), appearing for the appellants fairly submitted that the issue involved in the Writ Appeal has already been decided against the Government in a batch of Writ Appeals in W.A.Nos. 73 of 2019 etc. batch, dated 26.03.2019, wherein, the Division Bench of this Court has held as follows:

"..... 8. ... Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School



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Headmaster, if they were not given the same already, with all monetary benefits and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks, thereafter. Consequently, connected civil miscellaneous petitions are closed. No costs."

5.Since the issue has already been decided by the Division Bench, there is no need for further adjudication in the present Writ Appeal.

6.Following the said judgment passed in W.A.Nos. 73 of 2019 etc. batch, dated 26.03.2019, the Writ Appeal stands dismissed. We direct the appellants to complete the exercise as directed by the learned single Judge, within a period of six weeks, from the date of receipt of a copy of this judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Education Department,
State of Tamil Nadu,
Fort St. George, Chennai - 9.



2. The Director of School Education,
Chennai - 6.

3. The District Elementary Educational Officer,
Cuddalore.

+1cc to M/s.A.R.Nixon, Advocate, S.R.No.68486

Writ Appeal No.1646 of 2014
and
M.P.No.1 of 2014

RR(CO)
RLP(04/01/2022)